

following amino acids of SEQ ID NO: 23: 169 and 403, 210 and 403, 267 and 403, or 343 and 403. The internal fragment of the amino acid sequence of SEQ ID NO: 23 can span the following amino acids of SEQ ID NO: 23: 150 and 179, 137 and 166, 121 and 150, 76 and 168, 105 and 168, or 137 and 156. Other suitable fragments can be identified in accordance with the present invention.

In The Claims:

Please cancel claims 2-4 and 8, without prejudice.

Please add new claims 48-57 as follows:

48. (New) An isolated fragment according to claim 5, wherein the fragment has an amino acid sequence spanning amino acids 169 and 403 of SEQ ID NO: 23.

49. (New) An isolated fragment according to claim 5, wherein the fragment has an amino acid sequence spanning amino acids 210 and 403 of SEQ ID NO: 23.

50. (New) An isolated fragment according to claim 5, wherein the fragment has an amino acid sequence spanning amino acids 267 and 403 of SEQ ID NO: 23.

51. (New) An isolated fragment according to claim 5, wherein the fragment has an amino acid sequence spanning amino acids 343 and 403 of SEQ ID NO: 23.

52. (New) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence spanning amino acids 150 and 179 of SEQ ID NO: 23.

53. (New) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence spanning amino acids 137 and 166 of SEQ ID NO: 23.

54. (New) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence spanning amino acids 121 and 150 of SEQ ID NO: 23.

55. (New) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence spanning amino acids 76 and 168 of SEQ ID NO: 23.

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56. (New) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence spanning amino acids 105 and 168 of SEQ ID NO: 23.

57. (New) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence spanning amino acids 137 and 156 of SEQ ID NO: 23.

Please amend claims 1, 5, 7, 9, 30, 32, 33, 35, 36, and 38 as follows:

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1. (Twice Amended) An isolated fragment of a hypersensitive response elicitor protein or polypeptide, wherein said fragment is selected from the group consisting of a C-terminal fragment of the amino acid sequence of SEQ ID NO: 23 spanning the following amino acids of SEQ ID NO: 23: 169 and 403, 210 and 403, 267 and 403, or 343 and 403; an internal fragment of the amino acid sequence of SEQ ID NO: 23 spanning the following amino acids of SEQ ID NO: 23: 150 and 179, 137 and 166, 121 and 150, 76 and 168, 105 and 168, or 137 and 156; and a fragment of the amino acid sequence of SEQ ID NO: 31 spanning amino acids 190 and 294 of SEQ ID NO: 31 and does not elicit a hypersensitive response but has other activity in plants, said other activity comprising imparting disease resistance, enhancing plant growth, controlling insects, or a combination of these other activities.

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5. (Twice Amended) An isolated fragment according to claim 1, wherein the fragment is a C-terminal fragment of the amino acid sequence of SEQ ID NO: 23 spanning the following amino acids of SEQ ID NO: 23: 169 and 403, 210 and 403, 267 and 403, or 343 and 403.

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7. (Twice Amended) An isolated fragment according to claim 1, wherein the fragment is an internal fragment of the amino acid sequence of SEQ ID NO: 23 spanning

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conclude the following amino acids of SEQ ID NO: 23: 150 and 179, 137 and 166, 121 and 150, 76 and 168, 105 and 168, or 137 and 156.

B6 9. (Twice Amended) An isolated fragment according to claim 1, wherein the fragment contains amino acids 190 to 294 of SEQ ID NO: 31.

B7 30. (Twice Amended) A method of imparting disease resistance to plants comprising:

applying a fragment of a hypersensitive response elicitor protein or polypeptide according to claim 1 in a non-infectious form to a plant or plant seed under conditions effective to impart disease resistance to the plant or a plant grown from the plant seed, and wherein the fragment imparts disease resistance but does not elicit a hypersensitive response.

see patented cl. 27

B8 32. (Amended) A method according to claim 30 further comprising: planting the seeds treated with the fragment of the hypersensitive response elicitor in natural or artificial soil and propagating plants from the seeds planted in the soil.

B9 33. (Twice Amended) A method of enhancing plant growth comprising: applying a fragment of a hypersensitive response elicitor protein or polypeptide according to claim 1 in a non-infectious form to a plant or plant seed under conditions effective to enhance plant growth of the plant or of a plant grown from the plant seed, wherein the fragment enhances plant growth but does not elicit a hypersensitive response.

B10 35. (Amended) A method according to claim 33 further comprising: planting the seeds treated with the fragment of the hypersensitive response elicitor in natural or artificial soil and propagating plants from the seeds planted in the soil.

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36. (Twice Amended) A method of insect control for plants comprising:
applying a fragment of a hypersensitive response elicitor protein or
polypeptide according to claim 1 in a non-infectious form to a plant or plant seed under
conditions effective to control insects, wherein the fragment controls insects but does not
elicit a hypersensitive response.

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38. (Amended) A method according to claim 36 further comprising:
planting the seeds treated with the fragment of the hypersensitive response
elicitor in natural or artificial soil and
propagating plants from the seeds planted in the soil.